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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,413	06/05/2001	Masahiro Shioji	010728	1839
38834	7590	07/14/2006	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			TRAN, NHAN T	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/873,413

Applicant(s)

SHIOJI, MASAHIRO

Examiner

Nhan T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,7-9 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,7-9 and 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 5, 7-9, 13-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5 & 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Inoue et al. (US 6,226,449 B1).

Regarding claim 1, Inoue discloses an image reproducing apparatus (digital camera shown in Fig. 2) comprising:

an attacher (removable memory 415; Fig. 4; col. 4, lines 1-9) to be attached with a recording medium in which a plurality of folders (Fig. 6) for managing a plurality of image files are formed;

a folder number detector (a software code stored in ROM 417 for detecting folder number when being executed by microprocessor 406; see Fig. 4; col. 5, lines 17-25 and col. 6, lines 54-58) for detecting folder identification numbers (folders 1, 2, 3, etc. as shown in Fig. 6) which respectively represent the folders formed in said recording medium;

a folder number displayer (display screen 600) for displaying on a screen the folder identification numbers detected by said folder number detector (Fig. 6);

a selector (navigation buttons 305a & 305c) for selecting any one of the folder identification numbers displayed by said folder number displayer (see Figs. 3 & 6; col. 7, lines 26-30, 45-48);

a file number detector (another software code stored in ROM 417 for detecting file number when being executed by microprocessor 406; see Fig. 4; col. 5, lines 17-25 and col. 6, lines 54-58) for detecting a count of the number of image files (e.g., 10 still image files) managed by the folder holding the folder identification number (folder 1) selected by said selector (see Fig. 6 and col. 7, lines 26-30);

total file number detector (another software code stored in ROM 417 for detecting total file number when being executed by microprocessor 406) for detecting a total number of the image files (e.g., 173 still image files shown in Fig. 6) recorded in said recording medium;

a file number displayer for displaying the count (e.g., 10 still image files) detected by said file number detector and the total number (e.g., 173 still image files) of image

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files detected by said total file number detector on the screen on which the folder identification numbers are displayed by said folder number displayer (see Fig. 6);

an information search mode selector (button 303 shown in Fig. 3) to set an information search mode (col. 6, lines 54-65, it is noted that executed software program in this mode represents information search mode since it is used to search the number of files and file types contained in each folder), wherein folder identification numbers (folders 1, 2, 3), the total number of image files (173 image files) recorded in the recording medium and a file count (10 files) of image files managed by a currently selected folder (folder 1) are detected and concurrently displayed in response to setting of the information search mode (see Fig. 6).

Regarding claim 5, also disclosed is that the selector is able to select another folder identification number after a displaying operation of said file number displayer (e.g., folder 2 is selected by pressing key 305c).

Regarding claim 13, Inoue discloses an image reproducing apparatus, comprising:

a reproducer (display LCD 201 shown in Fig. 2) for reproducing a designated image file (any image file being selected) out of a plurality of image files which are managed by a plurality of folders (folders 1, 2, 3) formed in a recording medium when a reproduction mode (e.g., playback) is selected (see Fig. 3 and col. 9, lines 3-16);

a first detector (a software code stored in ROM 417 being executed by microprocessor 406; see Fig. 4; col. 5, lines 17-25 and col. 6, lines 54-58) for detecting folder identification numbers (folders 1, 2, 3) which respectively identify the folders formed in said recording medium when an information search mode is selected (see Fig. 6 and col. 6, line 54 – col. 7, line 7);

a second detector (another software code stored in ROM 417 being executed by microprocessor 406; see Fig. 4; col. 5, lines 17-25 and col. 6, lines 54-58) for detecting a total number of the image files (e.g., 173 still image files) recorded in said recording medium in relation to a detecting process of said first detector (see Fig. 6 and col. 6, line 54 – col. 7, line 7);

a third detector (another software code stored in ROM 417 being executed by microprocessor 406; see Fig. 4; col. 5, lines 17-25 and col. 6, lines 54-58) for detecting a count of the number of image files (e.g., 10 still image files) managed by a folder corresponding to a designated folder identification number (e.g., folder 1) out of the folders formed in said recording medium (see Fig. 6 and col. 6, line 54 – col. 7, line 7);

a displayer (display screen 600 shown in Fig. 6) for concurrently displaying on a screen the folder identification numbers, the total number and the count which are respectively detected by said first detector, said second detector and said third detector (see Fig. 6 and col. 6, line 54 – col. 7, line 7);

a renewer (button 305a, 305c) for renewing the designated folder identification number (by moving up or down to renew/select a folder) noted by said third detector in response to a renewing operation (see Fig. 6 and col. 7, lines 26-30).

Regarding claim 14, Inoue also discloses that the information search mode is independent from the reproduction mode (see col. 6, lines 54-65 and col. 9, lines 3-16, wherein the detected count shown in Fig. 6 is independent from playing back an image).

Regarding claim 15, it also clear in Inoue that the displayer displays the count at a position corresponding to the designated folder identification number (see Fig. 6, wherein the count is displayed at the same row as the folder identification number).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (US 6,226,449 B1) in view of Anderson et al. (US 5,861,918).

Regarding claim 7, Inoue does not disclose a folder creator for creating a new folder in said recording medium when a folder creating operation is carried out. However, as taught by Anderson '918, a new folder is created (at step 462; Fig. 6) when a folder creating operation is carried out by camera's operating system to avoid image name conflict (see Anderson, col. 6, lines 24-27 and col. 2, lines 26-33).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the apparatus of Inoue to include the teaching of Anderson for creating a new folder when necessary to avoid image name conflict so that image file management would be improved.

Regarding claim 16, see the analysis of claim 7. It is noted that a specific mode is the automatic mode which is selected by the camera's operating system.

4. Claims 8 & 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (US 6,226,449 B1) in view of Anderson et al. (US 6,507,363 B1).

Regarding claim 8, Inoue does not specifically disclose that when a writing of a file to a designated folder is instructed in a state that the number of files managed by the designated folder indicates a predetermined value, a new folder is created. Anderson '363 teaches an imaging apparatus including automatic folder creating function in which another folder is created in a memory card when a current image folder of the memory card is *full* (a predetermined maximum number of images per folder is reached). Such an implementation of folder management reduces cumbersome during retrieving a folder (see Anderson '363; Fig. 9, steps 466, 456 and col. 7, lines 58-67).

Therefore, it would have been obvious to one of ordinary skill in the art to configure the apparatus of Inoue to include the teaching of Anderson '363 for

automatically creating a new folder in the recording medium when a current writing folder is full so as to reduce cumbersome during retrieving a folder.

Regarding claim 17, see the analysis of claim 8.

5. Claims 9 & 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue et al. (US 6,226,449 B1) in view of Kim (US 6,496,361 B2).

Regarding claim 9, Inoue is silent about a file mover for moving a file from a folder to another folder when a file moving operation is carried out, wherein the another folder is arbitrarily selectable from among the plurality of folders formed in the recording medium. However, such file moving feature is old and well known in the art for moving one or more files from one folder to an arbitrary folder of a recording medium in an electronic apparatus (i.e., a portable digital camera) operated under control of a microprocessor, memories and user interface of an operating system as taught by Kim in Fig. 1, col. 2, lines 12-26. It is seen from Kim's disclosure that the user has an option to re-arrange folders and files as desirable using the user interface of Microsoft Windows operating system (note that Windows 98 inherently has a file moving feature).

Therefore, it would have been obvious to one of ordinary skill in the art to modify Inoue to include a file mover for moving one file from a folder to another arbitrary selected folder within the recording medium so that the user would be allowed to customize or organize files as desirable.

Regarding claim 18, see the analysis of claim 9.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (571) 272-7371. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NT.


TUAN HO
PRIMARY EXAMINER